



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 27, 2020

INFORMATIONAL MEMORANDUM

OFFICE OF CHEMICAL SAFETY AND
POLLUTION PREVENTION

TO: Ambassador Christopher Landau

FROM: Assistant Administrator Alexandra Dapolito Dunn, Esq.

SUBJECT: EPA's Pesticide Regulatory Meeting with Mexico (SEMARNAT)

ALEXANDRA
DAPOLITO DUNN

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ALEXANDRA DAPOLITO DUNN
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In early May I sent a letter to Mr. Julio Cesar Trujillo Segura, Undersecretary of Environmental Promotion and Regulation, at Mexico's Ministry of Environment (SEMARNAT) expressing EPA's interest in arranging a virtual meeting to discuss ongoing pesticide policy changes within Mexico.

EPA is growing increasingly concerned with the unexpected nature of the policy changes occurring within the Mexican pesticide registration system and the number of trade issues that U.S. agricultural companies have raised. Our goals for the meeting were therefore to: (1) establish a regulator-to-regulator working relationship with SEMARNAT at the political level; (2) better understand the policy shift in Mexico's pesticide regulations; (3) communicate EPA's general concerns related to the lack of consistency and transparency in Mexico's recent pesticide-related practices; and (4) work to understand the delay at Mexico's Ministry of Health (COFEPRIS) in processing U.S. pesticide registrations. My EPA counterpart in the Office of International and Tribal Affairs, Chad McIntosh, suggested that you might be interested in a brief informational summary of the meeting, which you'll find below.

In response to my letter, on June 12 EPA met with Mr. Ricardo Ortiz Conde, SEMARNAT's General Director of Integral Management of Materials and Risky Activities, and his staff to discuss the topics below:

- SEMARNAT Update on glyphosate
- Mexico's chemical and pesticide regulatory process changes
- United States-Mexico-Canada Agreement (USMCA) and the North American Free Trade Agreement (NAFTA) Technical Working Group (TWG) on Pesticides
- Risk assessments
- Pesticide registrations
- Import tolerances/Maximum residue levels (MRLs)

SEMARNAT's Update on Glyphosate

Director General Ricardo Ortiz Conde provided an update on Mexico's glyphosate "roadmap", which Mexico is scheduled to make publicly available. This roadmap will lay out how Mexico intends to phase out the domestic use of glyphosate, and we expect it to cite "high environmental risks to human health and the environment" based on the World Health Organization's International Agency for Research on Cancer's 2015 report. Mr. Ortiz Conde referenced Mexico's National Human Rights Commission and use of the "precautionary principle" as the basis for Mexico's "ability to restrict hazardous pesticides."

Although Mexico is entitled to make its own domestic risk determinations, EPA's own recent evaluation concluded that glyphosate is "not likely to be carcinogenic to humans," Canada, Australia, the European Food Safety Authority and the European Chemicals Agency, New Zealand, and Japan have reached similar assessments to ours/EPA's. I discussed our U.S. risk assessment process with Mexico, indicating it was very important for us to understand changes in Mexico's policy on glyphosate and pesticides in general. I also shared information on EPA's risk assessment data and Mr. Ortiz Conde responded that he was open to further dialogue on this issue and to reviewing the information I sent, although I am dubious that it will have an impact at this stage.

It is important to note that when working with SEMARNAT to develop the agenda for this meeting, SEMARNAT expressed its hope that the meeting would focus exclusively on glyphosate. EPA's proposed agenda was much broader and included the above bulleted topics. While EPA understands that the regulation of pesticides is a cross-cutting issue for SEMARNAT, COFEPRIS, and Agriculture (SAGARPA), I am more concerned that Mexico's efforts to limit the scope of the agenda may have been to avoid a broader discussion related to our concerns with Mexico's pesticide regulations.

North American Free Trade Agreement (NAFTA) Technical Working Group (TWG) on Pesticides and United States-Mexico-Canada Agreement (USMCA)

EPA's Office of Pesticide Programs, which resides in my office, has successfully worked with our Mexican and Canadian counterparts for many years on trilateral harmonization of pesticide policy through NAFTA's TWG on Pesticides. This working group has been valuable in maintaining communication at a technical level, while working to harmonize policies at the regional and global levels, where possible. I emphasized in the call that the USG has appreciated Mexico's full participation throughout the years in this work and expressed my hope for its continuation. Mr. Ortiz Conde agreed that that NAFTA TWG on Pesticides has been beneficial, and that Mexico looked forward to continuing its participation in the working group under NAFTA and the USMCA.

Follow-Up with SEMARNAT

Unfortunately, we ran out of time to discuss in-depth most of EPA's suggested agenda items. I was only able to briefly raise the concerns EPA has heard from U.S. industry with respect to processing pesticide registrations and to ask whether I should anticipate changes to Mexico's existing pesticide MRLs. Mexico's responses were, in short, that COFEPRIS manages the pesticide registrations and that future changes to MRLs are likely. Neither response was desirable. I sent a follow up e-mail to Mr. Ortiz Conde (attached below) to share information on our glyphosate risk assessment process and will attempt again to engage SEMARNAT to help us work with COFEPRIS to improve the status of the processing of U.S. pesticide applications.

Attachment: May 2020 AA/Dunn letter to SEMARNAT
July 2020 AA/Dunn e-mail to SEMARNAT

cc: Erik Holmgren, Energy/Environment, Science, Technology and Health Counselor
(US Embassy in Mexico City)
Chad McIntosh, Assistant Administrator (OITA)
Hayley Hughes, Office Director (OCSPP)
Karissa Kovner, Senior Policy Advisor for International Affairs (OCSPP)
Ashley Nelsen, International Trade Advisor (OCSPP)